IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR

::JUDGMENT::

GAJANAND SHARMA VS. THE STATE OF RAJ. AND ORS.

D.B.SPECIAL APPEAL (WRIT) NO.1420/2006 UNDER ARTICLE 225 OF THE CONSTITUTION OF INDIA READ WITH RULE 125 OF THE RAJASTHAN HIGH COURT RULES, 1952 AND READ WITH SECTION 18 OF RAJ. HIGH COURT ORDINANCE 1949 AGAINST THE JUDGMENT AND ORDER DATED 7.11.2006 PASSED IN SBCWP NO.7128/2002.

DATE OF JUDGMENT ::: 2.2.2007

PRESENT

HON'BLE MRS.GYAN SUDHA MISRA,J.
HON'BLE MR.K.C.SHARMA,J.

Mr. Vinit Dixit for the appellant.

BY THE COURT:

This appeal has been preferred against the order dated 7.11.2006 passed by the learned Single Judge dismissing the writ petition filed by the petitioner/appellant herein as the suit filed by the petitioner claiming possession on the disputed property is still pending.

Besides this, the petitioner had filed the writ petition before the learned Single Judge on the same facts and grounds which he had taken in SB Civil Revision Petition No.296/2002 and the revision petition had been

dismissed refusing to grant temporary injunction in favour of the petitioner/appellant. However, the learned Single Judge has been pleased to grant interim protection to the petitioner/appellant before he is dispossessed and in our opinion the maximum relief that could be granted in the interest of equity has already been allowed by the learned Single Judge. In so far as the legal aspect of the matter is concerned, no order by this Court can be passed which would be in the nature of grant of temporary injunction in favour of the appellant.

It goes without saying that if the appellant at any stage succeeds in obtaining a decree in his favour by the trial Court, the same will come to his legal rescue. As of now, the appeal has no merit and hence it stands dismissed at the admission stage itself.

(K.C.SHARMA)J. (GYAN SUDHA MISRA)J.

PCG